



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4416

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 35/4.3

Amends the Circuit Courts Act. Provides that witness fees in actions arising under the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987 shall be paid in the same manner as witness fees paid in criminal cases. Requires a witness seeking reimbursement to file an affidavit stating, among other things, that the attendance of the witness was at the instance of the State's Attorney or attorney of any other party to the action. Effective immediately.

LRB098 17624 HEP 52736 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Circuit Courts Act is amended by changing
5 Section 4.3 as follows:

6 (705 ILCS 35/4.3)

7 Sec. 4.3. Witness fees.

8 (a) Every witness attending in any county upon trials in
9 the courts, except for actions arising under Article II of the
10 Juvenile Court Act of 1987, shall be entitled to receive the
11 sum of \$20 for each day's attendance and \$0.20 per mile each
12 way for necessary travel. For attending in a foreign county,
13 each day's travel shall constitute a day of attendance. Every
14 person attending for the purpose of having his deposition taken
15 shall receive the same per diem and mileage as provided in this
16 Section for witnesses in circuit courts. No allowance or charge
17 shall be made, however, for the attendance of a witness unless
18 the witness makes an affidavit stating the number of days he or
19 she actually attended, and that attendance was at the instance
20 of one or both of the parties or his or her attorney.

21 (b) In a criminal case or action arising under Article II
22 of the Juvenile Court Act of 1987 in which a witness is
23 required to attend from a foreign county or state, either

1 before the grand jury or at the trial of the cause in the
2 court, the witness shall receive the same per diem and mileage
3 as provided in this Section for witnesses in circuit courts to
4 be paid out of the county treasury of the county where the
5 crime was committed or the case under Article II of the
6 Juvenile Court Act of 1987 is filed on the certificate of the
7 clerk of the court where the trial is being had if the witness
8 makes an affidavit stating (i) the distance traveled, (ii) that
9 it was the usually traveled and most direct route, (iii) the
10 number of days' actual travel and attendance, and (iv) that
11 attendance was at the instance of the State's Attorney or the
12 accused, or his or her attorney or, in the case of an action
13 filed under Article II of the Juvenile Court Act of 1987, at
14 the instance of the State's Attorney or attorney of any other
15 party to the action. To the affidavit shall be added the
16 certificate of the judge that the amount is reasonable and that
17 the witness was a material witness in the court or before the
18 grand jury.

19 (Source: P.A. 89-233, eff. 1-1-96.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.